

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAUL RIVERA CHAVEZ,)
Petitioner,) No. C 08-00803 JW (PR)
vs.) ORDER OF DISMISSAL
PEOPLE OF THE STATE OF)
CALIFORNIA, et al.,)
Respondents.)
_____)

Petitioner initiated this pro se action on February 5, 2008. On the same day and again on April 18, 2008, the clerk of the Court sent petitioner a notice regarding his deficient in forma pauperis application. The clerk sent the notices, respectively, to addresses provided by petitioner: the first to an address in Campbell and the second to a P.O. Box in San Jose. On March 4, 2008 and April 25, 2008, respectively, the notices were returned as undeliverable.

Pursuant to Northern District Local Rule 3-11, a party proceeding pro se whose address changes while an action is pending must promptly file and serve upon all opposing parties a notice of change of address specifying the new address. See L.R. 3- 11(a). The Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or the pro se party by the court has

been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the attorney or pro se party indicating a current address. See L.R. 3-11(b).

4 It has now been more than sixty days since the clerk's second notice was
5 returned as undeliverable on April 25, 2008. The Court has not received a notice
6 from petitioner of a new address. Accordingly, this action is DISMISSED without
7 prejudice. See Fed. R. Civ. P. 41(b); L.R. 3-11(b).

DATED: June 30, 2008


James Ware
JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RAUL RIVERA CHAVEZ,

Case Number: CV08-00803 JW

Petitioner,

CERTIFICATE OF SERVICE

v.

PEOPLE OF STATE OF CALIFORNIA, et al.,

Respondents.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/9/2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Raul Rivera Chavez
P. O. Box 95023
San Jose, CA 95116

Dated: 7/9/2008

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk